

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ENVIRONMENTAL RESEARCH
CENTER, INC.,

Plaintiff,

v.

PREMIER HEALTH, LLC,

Defendant.

Case No. [21-cv-06509-MMC](#)

**ORDER DIRECTING DEFENDANT TO
SHOW CAUSE WHY ACTION
SHOULD NOT BE REMANDED**

Before the Court is the Notice of Removal, filed August 23, 2021, by defendant Premier Health, LLC ("Premier"). The Court notes, however, there is a preliminary issue of subject matter jurisdiction. In particular, although Premier asserts diversity jurisdiction exists over plaintiff's claims, Premier's allegations as to diversity of citizenship are, as discussed below, insufficient.

In the complaint, filed in state court on July 12, 2021, plaintiff asserts state law claims arising from Premier's alleged failure to warn consumers of the presence of lead in its nutritional health product. Premier, in removing the case to federal court, states "complete diversity of citizenship exists between [p]laintiff . . . and [d]efendant" and "the amount in controversy exceeds \$75,000." (See Notice of Removal at 2:15-16); see also 28 U.S.C. § 1332(a)(1) (providing district court has jurisdiction over civil action between "citizens of different States" where amount in controversy exceeds "\$75,000, exclusive of interest and costs").


Premier has not, however, alleged facts sufficient to support a finding that the parties are diverse. In particular, the Notice of Removal states Premier is a limited liability company ("LLC"). (See Notice of Removal 3:8). An LLC "is a citizen of every

1 state of which its owners/members are citizens." See Johnson v. Columbia Properties
2 Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006). Although Premier alleges it is "a
3 Nevada citizen," it does not identify any owners/members, let alone each
4 owner's/member's citizenship. (See Notice of Removal 3:12). Rather, it merely states
5 that its "sole current manager" is a "resident of Utah" and that "an agent" is
6 "headquartered in Nevada with [its] respective principal places of business in Nevada."
7 (See Notice of Removal 3:9-11). Consequently, Premier fails to allege sufficient facts to
8 support a finding that diversity of citizenship exists.

9 Accordingly, Premier is hereby ORDERED TO SHOW CAUSE, in writing and no
10 later than October 1, 2021, why the above-titled action should not be remanded for lack
11 of subject matter jurisdiction.

12
13 **IT IS SO ORDERED.**

14
15 Dated: September 14, 2021

16
17
18
19
20
21
22
23
24
25
26
27
28

MAXINE M. CHESNEY
United States District Judge